

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 IO-12 CIAE-00 DODE-00 PM-09 H-02

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 SR-02 ORM-03 DPW-01 AID-20 RSR-01 /143 W
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FM AMEMBASSY DACCA

TO SECSTATE WASHDC PRIORITY 9451

INFO AMEMBASSY ISLAMABAD PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY NEW DELHI PRIORITY

AMEMBASSY TEHRAN PRIORITY

C O N F I D E N T I A L DACCA 1731

E. O. 11652: GDS

TAGS: PFOR BG IN

SUBJ: INDO- BANGLADESH INITIATIVE

TEHRAN FOR CHARGE NEWBERRY

1. TO NO ONE'S SURPRISE CHIEF OBSTACLES TO RECENT INDO-BANGLADESH INITIATIVE ARE PAK RESISTANCE TO REPATRIATION OF BIHARIS AND ANNOUNCEMENT THAT WAR CRIMES TRIALS WILL GO FORWARD. PURPOSE THIS MESSAGE EXPLORE THESE OBSTACLES FROM DACCA VANTAGE POINT WITH VIEW TO IDENTIFYING ANY POSSIBLE AREAS OF COMPROMISE.

2. REPATRIATION OF BIHARIS: SUBSEQUENT TO ANNOUNCEMENT OF INITIATIVE FONMIN REMARKED TO BRITISH HICOM AND OTHERS BDG WOULD NOT BE RIGID ON NUMBERS (USUALLY PUT AT 260,000) AND THOSE WHO MADE EARLIER OPTION FOR PAKISTAN WOULD HAVE CHANCE TO CHANGE MINDS. HE FURTHER ASSERTED THAT 20-30 PERCENT OF GROUP HAVE RELATIVES OR BREADWINNERS IN PAKISTAN AND HENCE HAVE EVERY RIGHT TO GO THERE. THIS CONTRASTS STATEMENT BY PAK MFA DIRECTOR GENERAL SATTAR (ISLAMABAD 3173) WHO PUT NUMBERS AROUND TEN THOUSAND BUT ADDED GOP PREPARED
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CONSIDER ADDITIONAL CASES ON MERIT. WHILE THERE IS WIDE NUMERICAL DIFFERENCE, POINT IS PAKISTAN SEEMS DISPOSED ACCEPT SOME NON- BENGALLEES AND BDG APPARENTLY NOT INSISTING THAT ALL PREVIOUSLY DESIGNATED AS PAKISTANIS SHOULD LEAVE. THUS AREA NEGOTIATIONS DOES EXIST. IMPORTANT NEXT STEP WOULD BE FOR PARTIES ESTABLISH COMMUNICATION LINKS SO THE EXCHANGE OF VIEWS COULD GO FORWARD.

3. INDIAN DEPUTY HICOM DIXIT CONFIRMED PROPOSAL RE BIHARIS NOT MADE ON " TAKE IT OR LEAVE IT" BASIS, AS IMPLIED BY INDIAN FOREIGN MINISTRY JOINT SECRETARY MENON (DELHI 4647). AS JT. SEC FOR PAKISTAN CHIB STATED (DELHI 3638), MODALITIES FOR IMPLEMENTING AGREEMENT OPEN TO NEGOTIATION. DIXIT INDICATED THIS COULD CONCERN NUMBERS OF BIHARIS TO BE SENT PAKISTAN AND " PHASING" OF POPULATION TRANSFER. DIXIT DID NOT REJECT OUT OF HAND POSSIBILITY THAT AS LITTLE AS 30 PERCENT OF TOTAL MIGHT BE ACCEPTABLE TO BDG PROVIDING THERE IS GIVE ON OTHER ISSUES.

4. WAR CRIMES TRIALS: THIS OBVIOUSLY MUCH STICKIER ISSUE FOR BOTH SIDES. IMPORTANT, HOWEVER, UNDERSTAND SIGNIFICANCE THESE TRIALS FOR BENGALLEES. BDG INSISTENCE ON TRIALS BASED BOTH ON POLITICAL NECESSITY AND ON WIDESPREAD FEELING CONSTANTLY REITERATED BY POLITICAL LEADERS THAT ATROCITIES SHOULD BE PUNISHED. SHOULD BE REMEMBERED THAT ATROCITIES WERE GOAD FOR BENGALLEE RESISTANCE THAT LED TO INDEPENDENCE OF COUNTRY. HENCE, IN A SENSE ATROCITIES ARE RAISON D' ETRE FOR EXISTENCE OF BD. IN MINDS OF BENGALLEE LEADERS, EXCUSING PERPETRATORS OF ATROCITIES WOULD BE TANTAMOUNT TO SAYING INDEPENDENCE A MISTAKE AND BENGALLEE CLAIMS OF PAK BRUTALITY FALSE.

5. WE BELIEVE IT UNLIKELY THEREFORE BDG WOULD CONSIDER ANY SIGNIFICANT MODIFICATION OF ITS POSITION. MOREOVER, PAKISTANI THREAT TO RETALIATE BY TRYING BENGALLEE CIVIL SERVANTS OR MILITARY OFFICERS LIKELY ONLY TO HARDEN BDG POSITION. MUJIB TOLD BRITISH HICOMER YESTERDAY IN WHAT WAS PROBABLY GRANDSTANDING THAT IF PAKS TRIED ANY BENGALLEES, HE WOULD HAVE ALL POWS RETURNED TO BD. IN SUM, BELIEVE FOR STEELEMENT TO GO FORWARD GOP WILL HAVE TO ACCEPT BOTH FACT OF ATROCITIES AND BDG RIGHT TO PUNISH INDIVIDUALS RESPONSIBLE.

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6. ONLY ELEMENT OF FLEXIBILITY WE SEE IN THIS SITUATION ARE PRIVATE STATEMENTS BY PRINCE MUJIB (DACCA 0539) WHICH HAVE BEEN RECENTLY ECHOED BY FOREIGN OFFICE OFFICIALS TO EFFECT THAT GENEROSITY COULD BE DISPLAYED IN CARRYING OUT SENTENCES OF THOSE CONVICTED. THIS ADMITTEDLY IS A LIMITED AREA OF FLEXIBILITY AND SHOULD NOT BE TAKEN TO MEAN THAT SOME OF THOSE CONVICTED WILL NOT CARRY OUT SENTENCES IMPOSED. NEVERTHELESS IF GOP MADE AWARE THAT POSSIBILITY OF GENEROSITY EXISTS TRIALS MIGHT BE EASIER TO SWALLOW.

7. FURTHER FLEXIBILITY MAY BE INDICATED IN BDG WILLINGNESS ADMIT FOREIGN OBSERVERS TO TRIAL AND FOREIGN COUNSEL FOR ACCUSED. ACCORDING DIXIT'S UNDERSTANDING, THIS WOULD NOT SEEM TO EXCLUDE EVEN PAK JURISTS AND LAWYERS.

8. FOREGOING DRAFTER PRIOR TO ANNOUNCEMENT GOP POSITION ON JOINT DECLARATION AND MAY BE SUBJECT TO AMENDMENT DEPENDING ON BDG REACTION.
FULLER

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